

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA

v.

Case No. 1:23-MJ-93

MIGUEL ANGEL OCHOA PADILLA,

a/k/a: "Josue Anthony Ochoa,"
a/k/a: "Alias Dob A,"
a/k/a: "Jose Cruz,"
a/k/a: "Jose Antonio Cruz,"
a/k/a: "Juan Guerra,"
a/k/a: "Juan Anonio Guerra"
a/k/a: "Andres A. Ochoa Padilla,"
a/k/a: "Andres Antonio Ochoa Padilla,"
a/k/a: "Andres Ochoa,"
a/k/a: "Antonio Ochoa,"
a/k/a: "Antonio Antonio Ochoa,"
a/k/a: "Josue Ochoa,"
a/k/a: "Josue Antonio Ochoa,"
a/k/a: "Miguel Angel Ochoa,"
a/k/a: "Victor Ochoa,"
a/k/a: "Victor A. Ochoa,"
a/k/a: "Victor Antonio Ochoa,"
a/k/a: "Andres Ochoa-Padilla,"
a/k/a: "Andres Ant Ochoa-Padilla,"
a/k/a: "Andres Antonio Ochoa-Padillas,"
a/k/a: "Andres Padilla,"
a/k/a: "Jose Padilla,"
a/k/a: "Jose Antonio Padilla"
a/k/a: "Rolando Paulino,"
a/k/a: "Rolando Antonio Paulino,"
a/k/a: "Flaco Tony,"
a/k/a: "Flaco Antonio Tony,"
a/k/a: "Peter Louis Ilievski,"

Defendant.

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT AND ARREST WARRANT

I, Kevin Ho, being duly sworn, depose and state:

1. I am a Deportation Officer with the United States Immigration and Customs Enforcement (“ICE”) in Fairfax County, Virginia. I have been employed with ICE for more than fourteen years. I was previously employed as a Customs and Border Protection Enforcement Officer for U.S. Customs & Border Protection and its predecessor, the United States Immigration and Naturalization Service, beginning in April 1996. I have received specialized training and have conducted numerous investigations relating to administrative and criminal violations of the Immigration and Nationality Act and Title 8 of the United States Code.

2. My duties as a Deportation Officer with ICE include investigating administrative and criminal violations of the Immigration and Nationality Act and Title 8 of the United States Code and seeking, when applicable, prosecution and removal of violators. I have received training in general law enforcement, including training in Title 8 of the United States Code.

3. This affidavit is submitted in support of a criminal complaint and arrest warrant for MIGUEL ANGEL OCHOA PADILLA (hereafter referred to as OCHOA PADILLA), also known as “Josue Anthony Ochoa,” “Alias Dob A,” “Jose Cruz,” “Jose Antonio Cruz,” “Juan Guerra,” “Juan Antonio Guerra,” “Andres A. Ochoa Padilla,” “Andres Antonio Ochoa Padilla,” “Andres Ochoa,” “Antonio Ochoa,” “Antonio Antonio Ochoa,” “Josue Ochoa,” “Josue Antonio Ochoa,” “Miguel Angel Ochoa,” “Victor Ochoa,” “Victor A. Ochoa,” “Victor Antonio Ochoa,” “Andres Ochoa-Padilla,” “Andres Ant Ochoa-Padilla,” “Andres Antonio Ochoa-Padillas,” “Andres Padilla,” “Jose Padilla,” “Jose Antonio Padilla,” “Rolando Paulino,” “Rolando Antonio Paulino,” “Flaco Tony,” “Flaco Antonio Tony,” and “Peter Louis Ilievski,” an alien who was found in the United States after being denied admission, excluded, deported, or removed, or having departed the United States while an order of exclusion, deportation, or removal was outstanding, subsequent to a conviction for commission of a felony, in violation of Title 8,

United States Code, Section 1326(a) and (b)(1). This affidavit is also submitted in support of an arrest warrant.

4. The facts and information contained in this affidavit are based upon my training and experience, personal knowledge, and observations during this investigation, as well as the observations of other agents involved in this investigation. This affidavit contains information necessary to support probable cause, but it is not intended to include every fact and matter observed by me or known to the United States.

SUMMARY OF FACTS TO SUPPORT PROBABLE CAUSE

5. On or about February 23, 2023, ICE learned that OCHOA PADILLA had been detained at the Prince William-Manassas Adult Detention Center in Manassas, Virginia, within the Eastern District of Virginia.

6. ICE performed records checks which confirmed that OCHOA PADILLA is a native and citizen of El Salvador who was removed from the United States on six previous occasions: on or about October 7, 2002, at or near San Ysidro Port of Entry, California; on or about May 17, 2005, at or near El Paso, Texas (Paso Del Norte Bridge); on or about January 24, 2008, at or near Harlingen, Texas; on or about January 6, 2012, at or near Houston, Texas; on or about September 17, 2014, at or near Dallas, Texas; and on or about August 30, 2017, at or near Phoenix-Mesa Gateway Airport in Mesa, Arizona. OCHOA PADILLA did not have legal authorization to reenter or remain in the United States.

7. I requested the fingerprint card and booking photo relating to OCHOA PADILLA's February 2023 arrest in Prince William County, Virginia. The fingerprint card was electronically processed through ICE indices containing fingerprint records of known and previously deported aliens. Results of this query showed positive matches to OCHOA

PADILLA and his FBI number. Additionally, photographic images of OCHOA PADILLA were returned which showed that he had been previously apprehended by United States Department of Homeland Security enforcement officers.

8. I also reviewed OCHOA PADILLA's immigration file maintained by U.S. Citizenship and Immigration Services. The file, also known as an alien file, revealed that OCHOA PADILLA is a citizen and national of El Salvador. The file contained an executed Immigration Service form I-296, Notice to Alien Ordered Removed/Departure Verification, bearing the photograph, fingerprint, and signature of OCHOA PADILLA. This form showed that OCHOA PADILLA was removed from the United States on October 7, 2002 from San Ysidro Port of Entry, California. The file also contained five executed Immigration Service Form I-205s, Warrant of Removal/Deportation, bearing OCHOA PADILLA's photograph, fingerprint, and signature. These forms showed that OCHOA PADILLA was removed from the United States on the following dates and places:

- a) May 17, 2005, from El Paso, Texas (Paso Del Norte Bridge);
- b) January 24, 2008, from Harlingen, Texas;
- c) January 6, 2012, from Houston, Texas;
- d) September 17, 2014, from Dallas, Texas; and
- e) August 30, 2017, from Phoenix-Mesa Gateway Airport in Mesa, Arizona.

9. On March 15, 2022, I asked the FBI Special Processing Center for Biometric Technology to compare the fingerprints obtained in connection with OCHOA PADILLA's February 2023 arrest in Prince William County, Virginia with: (i) OCHOA PADILLA's fingerprint on the Immigration Service Form I-296 executed on October 7, 2002; (ii) OCHOA PADILLA's fingerprint on the Immigration Service Form I-205 executed on May 17, 2005; (iii)

OCHOA PADILLA's fingerprint on the Immigration Service Form I-205 executed on January 24, 2008; (iv) OCHOA PADILLA's fingerprint on the Immigration Service Form I-205 executed on January 6, 2012; (v) OCHOA PADILLA's fingerprint on the Immigration Service Form I-205 executed on September 17, 2014; (vi) OCHOA PADILLA's fingerprint on the Immigration Service Form I-205 executed on August 30, 2017; (vii) OCHOA PADILLA's El Salvador Documento Unico de Identidad (DUI) card issued on October 2, 2020; and (viii) OCHOA PADILLA's El Salvador Fingerprint card dated October 2, 2020. The FBI successfully matched all the submitted fingerprints to OCHOA PADILLA and his FBI number.

10. OCHOA PADILLA's alien file lacks evidence of any immigration benefit, document, or status that would allow him to legally enter, be admitted, pass through, or reside in the United States. Further, OCHOA PADILLA has not obtained permission from the Attorney General or the Secretary of the Department of Homeland Security to reenter the United States following his formal removal.

11. OCHOA PADILLA's immigration file contains documents which show that OCHOA PADILLA was convicted of a felony offense prior to his removal from the United States. Specifically, OCHOA PADILLA was convicted of the following charges:

(i): Illegal Reentry After Removal on October 15, 2003, in the United States District Court Western District of Texas in Del Rio, Texas, in violation of Title 8 United States Code Section 1326, for which OCHOA PADILLA was sentenced to a term of imprisonment of thirty months;

(ii): Illegal Reentry After Removal on May 10, 2010, in the United States District Court Western District of Texas in Austin, Texas, in violation of Title 8 United States Code Section

1326, for which OCHOA PADILLA was sentenced to a term of imprisonment of twenty-four months;

(iii): Illegal Reentry After Removal on January 13, 2014, in the United States District Court Western District of Texas in Del Rio, Texas, in violation of Title 8 United States Code Section 1326, for which OCHOA PADILLA was sentenced to a term of imprisonment of twenty-one months; and

(iv): Illegal Reentry After Removal on November 2, 2015, in the United States District Court Western District of Texas in Del Rio, Texas, in violation of Title 8 United States Code Section 1326, for which OCHOA PADILLA was sentenced to a term of imprisonment of thirty-six months.

CONCLUSION

12. Based on the foregoing, I submit that there is probable cause to believe that on or about February 23, 2023, in Prince William County, Virginia, within the Eastern District of Virginia, MIGUEL ANGEL OCHOA PADILLA, also known as “Josue Anthony Ochoa,” “Alias Dob A,” “Jose Cruz,” “Jose Antonio Cruz,” “Juan Guerra,” “Juan Antonio Guerra,” “Andres A. Ochoa Padilla,” “Andres Antonio Ochoa Padilla,” “Andres Ochoa,” “Antonio Ochoa,” “Antonio Antonio Ochoa,” “Josue Ochoa,” “Josue Antonio Ochoa,” “Miguel Angel Ochoa,” “Victor Ochoa,” “Victor A. Ochoa,” “Victor Antonio Ochoa,” “Andres Ochoa-Padilla,” “Andres Ant Ochoa-Padilla,” “Andres Antonio Ochoa-Padillas,” “Andres Padilla,” “Jose Padilla,” “Jose Antonio Padilla,” “Rolando Paulino,” “Rolando Antonio Paulino,” “Flaco Tony,” “Flaco Antonio Tony,” and “Peter Louis Ilievski,” an alien who was removed from the United States on or about August 30, 2017, at or near Phoenix-Mesa Gateway Airport in Mesa, Arizona, after having been convicted of a felony, was found in the United States without having obtained the

express consent of the Attorney General or the Secretary of the Department of Homeland Security to reapply for admission to the United States.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Kevin Ho', is written over a horizontal line.

Kevin Ho
Deportation Officer
U.S. Immigration and Customs Enforcement

Respectfully submitted and attested to in
accordance with the requirements of Fed. R.
Crim. P. 4.1 by telephone on May 8, 2023.

John F. Anderson

Digitally signed by John F.
Anderson
Date: 2023.05.08 11:45:06 -04'00'

The Honorable John F. Anderson
United States Magistrate Judge
Alexandria, Virginia